

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

ORLANDO RODRIGUEZ-PEREZ,

Plaintiff,

vs.

**AGRIPROCESSORS, INC.,
HESHY RUBASHKIN,
GARY NORRIS and
NEAL RAWLEY,**

Defendants.

No. C08-2039

**ORDER FOR MORE DEFINITE
STATEMENT**

This matter comes before the Court on the Pre-Answer Motion for More Definite Statement (docket number 27) filed by the Defendants¹ on October 29, 2008. Defendants claim that the amended complaint is defective in failing to identify the causes of action, failing to specify what causes of action are brought against which Defendants, and failing to specify what relief is requested. Defendants ask that Plaintiff be required to file a second amended complaint, providing additional specificity.

The Plaintiff did not file any response to the instant motion and the time for doing so has now expired. If no timely resistance to a motion is filed, the motion may be granted without notice. Local Rule 7.f.

¹ Subsequent to the filing of the motion, Defendant Agriprocessors, Inc. filed a voluntary petition for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Eastern District of New York. See Notice of Filing Bankruptcy (docket number 28). Pursuant to the Court's prior Order (docket number 29), however, this matter shall proceed against the remaining Defendants.

FEDERAL RULE OF CIVIL PROCEDURE 12(e) provides that “[a] party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.” In his ten-page Amended Complaint (docket number 12), Plaintiff describes in some detail the circumstances underlying his claim. In the opening paragraph, it also provides as follows:

COMPLAINT FOR DAMAGES CAUSED FOR SLANDER, RETALIATION, UNJUST ENRICHMENT. UNAUTHORIZED USE / APROIATION [sic] OF INTELLECTUAL PROPERTY. UNNECESSARY. MALICIOUS. AND CRUEL INFLECTION OF SUFERING [sic]. PUBLIC HUMILIATION. BREACH OF CONTRACT. UNAUTHORIZED USE OF PERSONAL PROPERTY. AND REFUSAL TO PAY FOR. (ACCRUED VACATION AND CONTRACTUAL MOVING / RELOCATION EXPENSES. CONSPIRACY TO ILLEGALLY DEPRIVE PLAINTIFF OF HIS PRIVATE PROPERTY. CONSPIRACY TO RETALIATE. AND CONSPIRACY TO COVER UP ILLEGAL ACTIONS.

See Amended Complaint (docket number 12) at 1. (emphasis in original)

The amended complaint does not make clear, however, what claims are being asserted against which Defendants. Given the manner in which the claims are pleaded, Defendants cannot reasonably prepare a response. Accordingly, the Court concludes that Plaintiff must file a second amended complaint, separately identifying which causes of action are brought against which Defendants, and clearly identifying the factual allegations relating to those claims. Plaintiff must also identify what relief he seeks from each Defendant with respect to each cause of action. *Hebron Public School Dist. No. 13 v. U.S. Gypsum*, 690 F. Supp. 866, 870 (D.N.D. 1988).

ORDER

IT IS THEREFORE ORDERED that the Pre-Answer Motion for More Definite Statement is hereby **GRANTED**. Plaintiff shall file a second amended complaint not later

than December 5, 2008, which specifies what claims are being brought against which Defendants, the factual basis for those claims, and the specific relief requested.

DATED this 21st day of November, 2008.



JON STUART SCOLES

United States Magistrate Judge

NORTHERN DISTRICT OF IOWA